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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, OCTOBER 19, 2001

APPLICATION OF

ENERGYWINDOW, INC.

CASE NO. PUE010481

For a permanent license to
conduct business as an
electric and natural
gas aggregator

ORDER GRANTING REQUEST FOR EXTENSION
OF PROCEDURAL SCHEDULE

On September 21, 2001, EnergyWindow, Inc., ("EnergyWindow" or "the Company"), completed an application with the State Corporation Commission ("Commission") to convert and expand its pilot license, License No. PA-2,¹ to a permanent license to provide competitive electric aggregation services to all classes of retail customers throughout the Commonwealth of Virginia as the Commonwealth opens up to retail access and customer choice. In addition, EnergyWindow requests a license to conduct business as a natural gas aggregator, also throughout the Commonwealth of Virginia.

In its September 27, 2001 Order entered in the captioned proceeding, the Commission, among other things, directed

¹ This pilot license permits the Company to operate as an aggregator in the electric retail access pilot programs of Virginia Electric and Power Company ("Virginia Power"), Appalachian Power Company d/b/a American Electric Power-Virginia ("AEP-VA"), and Rappahannock Electric Cooperative ("REC").

EnergyWindow to serve a copy on or before October 19, 2001, of the September 27 Order on each utility listed in Attachment A to the Order. The Commission directed that any comments from interested parties be filed on or before October 19, 2001. The Commission also ordered the Staff to file a report on the Company's application on or before October 22, 2001.

In a document filed on October 15, 2001, EnergyWindow, by counsel, notified the Commission that, due to an administrative error, notice to the utilities listed on Attachment A to the September 27, 2001, Order was sent out on October 15, 2001. The Company has provided proof of this notice, as required by Ordering Paragraph (4) in the September 27 Order for Notice and Comment.

By Motion dated October 16, 2001, EnergyWindow seeks an extension of the procedural dates established in the September 27, 2001, Order. In its Motion, EnergyWindow proposes that time to comment on the application be extended to October 29, 2001; that the time in which the Staff may file its report be extended to November 2, 2001; and that the time in which the Company may respond to the Staff Report be extended to November 9, 2001.

NOW UPON CONSIDERATION of the application, the Company's October 12, 2001, letter and its October 16, 2001, Motion, and the applicable law, the Commission is of the opinion and finds that the Company's Motion should be granted; and that the

procedural schedule established in our September 27, 2001, Order should be amended and extended as proposed in the October 16 Motion. However, we note that §56-235.8 F 1 of the Code of Virginia states that, "...[a] gas supplier license shall be issued to any qualified applicant within forty-five days of the date of filing such application, authorizing in whole or in part the service covered by the application, unless the Commission determines otherwise for good cause shown." Based upon this forty-five day time limit, we must issue the gas license in this case by November 5, 2001, provided we find EnergyWindow to be qualified.

Due to the circumstances of this case and with the extension of the procedural schedule, the Commission cannot determine whether EnergyWindow is a qualified applicant within the forty-five day time period provided by §56-235.B F of the Code of Virginia. Therefore, we will defer any further action in this matter until we have received comments from appropriate persons and we have been advised by our Staff.

Accordingly, IT IS ORDERED THAT:

(1) EnergyWindow's October 16, 2001 Motion is hereby granted.

(2) An original and fifteen (15) copies of any comments on the application shall be filed on or before October 29, 2001, with the Clerk of the Commission. Comments must refer to Case

No. PUE010481. A copy of such comments must also be served on or before September 24, 2001, by first-class mail, or hand-delivered, to the Company, c/o Rita L. Brickman, Esquire, Venable, Baetjer, Howard and Civiletti, LLP, 1201 New York Avenue, N.W., Suite 1000, Washington, D.C. 20005-3917.

(3) The Commission Staff shall analyze the reasonableness of EnergyWindow's application and shall present its findings in a Staff Report to be filed with the Clerk of the Commission on or before November 2, 2001. Copies of the Report shall be served upon all parties of record.

(4) On or before November 9, 2001, the Company shall file with the Clerk of the Commission an original and fifteen (15) copies of any response it may have to the Staff Report. The Company shall serve a copy of its response on all parties of record on or before November 9, 2001.

(5) This matter shall be continued generally.